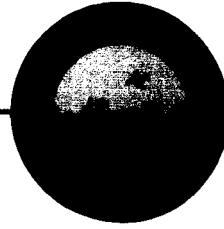


City of Florence



CITY CLERK/
HUMAN RESOURCES DIRECTOR
Betsy Conrad

October 5, 1999

RECEIVED
OCT 11 1999
SECRETARY OF STATE
COMMONWEALTH OF KY

Mr. John Y. Brown, III
Secretary of State
The Capitol, Room 152
Frankfort, KY 40601

In Re: City of Florence, KY annexation Ordinances from July 1980 - July 1999

Dear Sir:

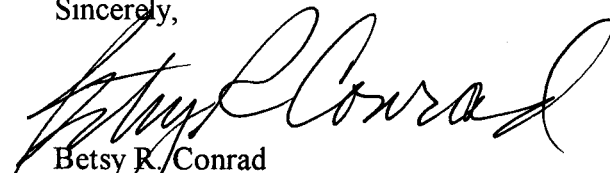
Attached is a list of ordinances annexing properties to the City of Florence. The ordinances listed include all such annexations since 1980.

KRS 81A.470 and KRS 81A.475 (copy attached) require the City to forward copies of these ordinances and their accompanying exhibits to the offices of the County Clerk, the Department of Local Government and the Secretary of State.

The County Clerk's office indicated that she was missing certified copies of some of the earlier ordinances. I have mailed her certified copies of these missing ordinance. If you are missing any of the ordinances on the list, I would be glad to forward you copies if you will indicate which ones are needed.

We appreciate your assistance in this matter.

Sincerely,


Betsy R. Conrad
City Clerk

BRC:emb
Enclosures

12/9
advised Betsy we need all of Page 1 & part of Page 2

ANNEXATIONS TO THE CITY OF FLORENCE JULY 1980 - JULY 1999

UPDATE 7/23/99

ORDINANCE NO.	PROPERTY OWNER(S)	DESCRIPTION OF PROPERTY	ACREAGE
O-42-80	Judd	on Hopeful road	13.547
O-25-81	Berkshire	I-75, U.S. 42 & Mall Road	134.006
O-50-81	Erpenbeck	on north side of U.S. 42 along Pleasant Valley Road	240
O-1-82	Mary Ellen Foltz	along Houston Road	appx. 100
O-2-82	Charles Seligman & Ruth Doering	along KY 18 & Houston Road	appx. 85
O-5-82	Kirby Marshall (Berling)	Evergreen Farms Sub. (Evergreen Drive)	45.4
O-13-82	Mollis	on Hopeful Rd.(Colonial Hgts. Retirement Center)	16
O-25-82	Baron Cliff	along I-75, Turfway Rd. & Curtis Ave.	28.335
O-33-82	Boone Co. Peeewe Football	on Mallard Dr.	
O-43-82	Conrad, Steve	lot 37 Shamrock Subdivision, 7 Mary's Court	
O-4-83	Safi Liggett	LaCresta Drive, Shamrock Subdivision, one lot	
O-39-83	Erpenbeck	on south side of U.S. 42 at Gunpowder Rd,	410
Nothing in 1984			
O-8-85	Fuller Square Corp. (5th/3rd Bank Bldg.)	at Houston Rd. & KY 18	3.2379
O-31-85	D.S.B. Partnership (KY National Bank)	U.S. 25 and Industrial Road	
Nothing in 1986			
O-27-87	TRP Associates	s.w. side Turfway Road	69.57
O-34-87	Footle (Florence Nature Park)	n.e. side of Banklick Street	8.5
O-35-87	American Sign & Markeling	on Industrial Road	19.8
O-36-87	B&J Development (Zayre)	off Mall Road	1.028
O-37-87	Jehovah's Witnesses, Inc.	east of Hopeful Road	1.557
O-42-87	Toyota Motor Distributors	Hopeful Road & KY 18	3.82
O-5-88	Harms	Dicrest Subdivision	9.71
O-25-88	Fuller Square	Houston Road	3.83
O-31-88	Baird	northside of U.S. 42	7.07
O-35-88	Towne Land Co. (Old KY Raceway site)	west of I-75 & n.e. of U.S. 42 Connector Rd.	119.51
O-10-89	Berling	Stonegate Meadows Sub.	36.1956
O-11-89	Pond Realty	8151 Burlington Pike	3
O-14-89	Comins	U.S. 42, northside	38.5
O-25-89	Riegler	8494 Pleasant Valley	8.875
O-29-89	Verona Bank	U.S. 42 & Weaver Road	0.9393

Sheet1

O-30-89	Dr. Estes lot on Pleasant Valley Rd.	Boone Valley Estates, Sec. VI, Lot 37	12,000 sq.ft.
O-32-90	Towne Land Co.	Weaver Road	1.44
O-30-91	Kahmann	Valley View Dr.	12.4
O-31-91	Artinghaus	Cayton Road	39.07
O-32-91	Butler	Valley View Dr.	1.8
O-33-91	Conrad, Don	Ridge & KY 18	4.6
O-42-91	Schwartz	U.S. 42	10
O-43-91	TRP Associates	Turfway & Houston Roads	7.56
O-46-91	KDOT	rest area	41.2
O-50-91	Crouch	8519 U. S. 42	3.4
O-2-92	Schneider	Valley View Dr.	30.9
O-8-92	Turfway Park Development	Intersection Turfway & Houston Roads	113.858
✓O-32-92	St. Luke Hospital (actually passed 1/12/93)	n.w. side of Houston Rd.	21
✓O-19-93	Chelsea Moore	southwesterly of Connector Drive	20.4142
✓O-32-93	Waco Oil Co., Inc.	at Mt. Zion Rd. & new Baltimore Blvd.	6.97
✓O-33-93	Turfway Park Racing Assn., Inc.	northeastern side of Turfway Road	11.6
✓O-20-94	Deglow	KY 18 & Greenview	1.06
✓O-23-94	Florence United Methodist	N.E. side of Old Toll Rd & Pleasant Valley Rd.	15
✓O-17-95	Durr (Primary Care Associates)	north side of U. S. 42	2.274
✓O-2-96	Haines	U.S. 42 & Pleasant Valley	13.6
✓O-3-96	Grammas	U.S. 42/Weaver Road/Evergreen Road	3.97
✓O-5-96	Pleasant Valley Acres (19 homeowners)	South of Pleasant Valley Road	47.1
✓O-7-96	Decastro	s.e. side of Hopeful Rd. @ KY 18	4.62
✓O-16-96	Klensch (Fantasy Frontier)	off U. S. 42	7.87
✓O-30-96	ESA, Inc. (Florence Church of Christ)	eastside of Turfway Road	2.583
✓O-20-97	Decastro Trust	Hopeful Road	1.6192
✓O-21-97	Rolfson	Pleasant Valley	10
✓O-2-98	ATAPCO	Industrial Road	27.498
✓O-17-98	Luebbers - Butler	Utterback Branch Road	1.15
✓O-30-98	Cayton Development LLC (passed 1/12/99)	Hopeful Rd., Hopeful Church Rd. & Cayton Rd	23.32
✓O-5-99	Durr/Crist	Intersection of Merchants & Bankers Sts./Off KY 18	34.257
0-24-99			

✓ 0-10-97 - Property Trule

the question of annexation or striking off be again submitted within that period.

HISTORY: 1992 c 17, § 3, eff. 2-28-92
1984 c 416, § 17; 1980 c 303, § 7

NOTES OF DECISIONS AND OPINIONS

1. Court judgment
2. Procedural issues
3. Territory to be annexed

1. Court judgment

316 SW(2d) 210 (Ky 1958), *City of Louisville v City of St. Matthews*. Where circuit court judgment was reversed with directions to enter judgment authorizing the city of Louisville to annex certain territory of the business district of St. Matthews, Louisville was entitled to annex the territory notwithstanding that the voters of St. Matthews rejected the proposal for Louisville to extend its boundaries and municipal services.

2. Procedural issues

OAG 84-41. City can strike territory from its boundaries by submitting the question to the voters of the territory at the November election. If this measure fails, the city cannot resubmit the question for five years. If this measure is approved, the city can at any time re-annex the territory by following the procedure for annexing territory generally.

3. Territory to be annexed

OAG 81-412. The rejection of an annexation ordinance bars resubmission for annexing any smaller portions of the territory.

OAG 81-412. Land which is elevated by a highway is not contiguous unless both parcels are contiguous to the city.

81A.470 Map and certified copy of ordinance of annexed or severed area to be recorded; taxation of residents or property in new territory by annexing city prohibited prior to compliance

- (1) If the limits of a city are enlarged or reduced, the city shall, within sixty (60) days of the enlargement or reduction, cause an accurate map of the annexed, transferred, or severed area with a metes and bounds description, together with a copy of the ordinance duly certified, to be recorded in the office of the county clerk of the county or counties in which the city is located, in the office of the Secretary of State, and in the Department of Local Government.
- (2) No city which has annexed unincorporated or accepted transfer of incorporated territory may levy any tax upon the residents or property within the annexed or transferred area until the city has complied with the provisions of subsection (1) of this section, and of KRS 81A.475.

HISTORY: 1992 c 17, § 4, c 33, § 1, eff. 7-14-92
1984 c 416, § 11; 1980 c 303, § 8

Legislative Research Commission Note (7-14-92): This section was amended by two 1992 Acts which do not appear to be in conflict and have been compiled together. [1992 c 17, § 4, eff. 2-28-92.]

LIBRARY REFERENCES

Procedure for annexation of territory. 56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 70 to 72

NOTES OF DECISIONS AND OPINIONS

1. Recording
2. Description

1. Recording

OAG 84-363. Until the reporting requirements of KRS 81A.470(2) and KRS 81A.475 have been complied with, a city may not levy any tax, including its occupational tax, in an annexed area.

2. Description

OAG 83-188. City ordinance describing territory to be annexed substantially complies with metes and bounds requirement. Requirements of KRS 81A.470 and KRS 81A.475 are to be complied with after the territory has actually been annexed.

81A.475 Map and list of residents in area to be annexed to be filed with county clerk

If any city annexes any unincorporated area, accepts the transfer of incorporated territory, or reduces the boundaries of the city, it shall be the duty of the legislative body of the city to provide within sixty (60) days, to the county clerk of the county in which the city is located, a map clearly delineating the boundaries of the area affected along with a list of the names and addresses of those property owners and registered voters who reside in the area.

HISTORY: 1992 c 17, § 5, eff. 2-28-92
1984 c 416, § 12; 1980 c 155, § 1

LIBRARY REFERENCES

Procedure for annexation of territory. 56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 70 to 72

NOTES OF DECISIONS AND OPINIONS

1. Reporting requirements

1. Reporting requirements

OAG 84-363. Until the reporting requirements of KRS 81A.470(2) and KRS 81A.475 have been complied with, a city may not levy any tax, including its occupational tax, in an annexed area.

OAG 83-188. City ordinance describing territory to be annexed substantially complies with metes and bounds requirement. Requirements of KRS 81A.470 and KRS 81A.475 are to be complied with after the territory has actually been annexed.

81A.480 Application of provisions of KRS 81A.050 to 81A.070 and KRS 81A.400 to 81A.470

The provisions of KRS 81A.050 to 81A.070 and KRS 81A.400 to 81A.470 shall apply in any annexation proceeding in which the annexing city has not adopted a final annexation ordinance by July 15, 1980.

HISTORY: 1980 c 303, § 10, eff. 7-15-80

NOTES OF DECISIONS AND OPINIONS

1. Constitutional issues

1. Constitutional issues

635 SW(2d) 307 (Ky 1982), *Louisville Shopping Center, Inc. v City of St. Matthews*. Statute which allows minimum of seventy-five per cent of the voters in an affected area to nullify the actions of a city legislative body through the process of referendum does not violate the Kentucky Constitution since the statute does not grant power over the liberty and property of citizens.

635 SW(2d) 307 (Ky 1982), *Louisville Shopping Center, Inc. v City of St. Matthews*. Because the appellants as remonstrants under the old statute did not have vested rights, but only a legislative privilege, retroactive application of statute to a pending annexation suit did not terminate or impair the judicial rights of the remonstrants.